

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/486,065 03/30/00 DOLATKHANI

M BIF103705/US

QM12/0813

EXAMINER

YOUNG & THOMPSON  
745 SOUTH 23RD STREET  
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PELLEGRINO, E.  
ART UNIT PAPER NUMBER

3738  
DATE MAILED:

*H*  
08/13/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. 09/486,065	Applicant(s) Dolatkhani et al.
	Examiner Brian Pellegrino	Art Unit 3738
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		
<b>Period for Reply</b>		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.		
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.		
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.		
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).		
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).		
<b>Status</b>		
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>Mar 20, 2000</u>		
2a) <input type="checkbox"/> This action is FINAL.      2b) <input checked="" type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.		
<b>Disposition of Claims</b>		
4) <input checked="" type="checkbox"/> Claim(s) <u>1-18</u> is/are pending in the application.		
4a) Of the above, claim(s) _____ is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>1-18</u> is/are rejected.		
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.		
8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.		
<b>Application Papers</b>		
9) <input checked="" type="checkbox"/> The specification is objected to by the Examiner.		
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.		
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved.		
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
<b>Priority under 35 U.S.C. § 119</b>		
13) <input checked="" type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).		
a) <input checked="" type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of:		
1. <input type="checkbox"/> Certified copies of the priority documents have been received.		
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.		
3. <input checked="" type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).		
*See the attached detailed Office action for a list of the certified copies not received.		
14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).		
<b>Attachment(s)</b>		
15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		
16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). <u>4</u>		
18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____		
19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
20) <input type="checkbox"/> Other:		

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## DETAILED ACTION

### *Drawings*

1. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. The limitation of claim 8 “alternating strips of *flexible* and *rigid* material” must be shown or the feature(s) canceled from the claim(s). Additionally, the haptics as recited in claim 11 having “attachment members” must be shown or the feature(s) canceled from the claim(s). Applicant is required to furnish a drawing under 37 CFR 1.81. No new matter may be introduced in the required drawing.

### *Claim Rejections - 35 U.S.C. § 112*

2. Claims 12-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 12, the phrase (or blank) renders the claim indefinite because it is unclear whether the limitation(s) is part of the claimed invention. Additionally, it is unclear what zone is intended to become rigid. How can the rigid haptics of claim 1 functionally be claimed as capable of becoming rigid. The phrase “... intended should become rigid” does not make sense because it does not positively recite a rigid part.

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Claim 14 recites the limitation "the organic compounds" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claims 15 and 18 recite the limitation "the machining step" in line 2 of the claims. There is insufficient antecedent basis for this limitation in the claim. What machining step is being referred or what is the machining step?

With respect to claims 16 and 17, recite the term "it" in lines 2 and 3 of the claims. There is not a clear reference to what "it" refers to. The use of "said ...." is a proper way to avoid indefinite terms such as "it."

***Claim Rejections - 35 U.S.C. § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 5, 8-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Vanderbilt (5326506). Vanderbilt discloses a soft optical part and a rigid haptic part, col. 3, lines 45-52 and col. 5, lines 39-42. Regarding claims 2-6, see col. 5, lines 59-68. With respect to claims 8-10, see col. 7, lines 61-68 and col. 8, lines 1-12 suggesting that a "zone" can be established to join the two parts of rigid material and flexible material. Fig. 3 shows element 46

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which can be construed as an attachment member. Regarding the process of manufacturing as best understood (claims 12-18), see claims of '506.

5. Claims 1-4, 7-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Bos et al. (5762836). See claims. Bos et al. disclose that the flexible material can be hydrophilic, col. 11, lines 24-29. Bos et al. also disclose that polymer materials, such as polydimethylsiloxanes are suitable for the intraocular lens, col. 12, lines 32-34.

*Claim Rejections - 35 U.S.C. § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vanderbilt in view of Freeman et al. (5693095). Vanderbilt is explained *supra*. However, Vanderbilt does not disclose the use of the polyfunctional agent diethylene glycol dimethacrylate. Freeman et al. teach the use of diethylene glycol dimethacrylate for crosslinking copolymers, col. 3, lines 3-15. It would have been obvious to one of ordinary skill in the art at the time of the invention to use an alternative polyfunctional agent, such as diethylene glycol dimethacrylate as taught by Freeman for crosslinking copolymer materials of Vanderbilt, in order to affect the rate of reaction.

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***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Benz et al. (6267784) disclose an intraocular lens made of copolymers cross linked having a soft lens part and a rigid haptic part.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Pellegrino whose telephone number is (703) 306-5899. The examiner can normally be reached on Monday-Thursday from 8am to 5:30pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott, can be reached at (703) 308-2111. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-2708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

Brian E. Pellegrino

August 9, 2001



  
Paul Prebilic  
Primary Examiner  
TC 3700, AU 3738

**Attachment for PTO-948 (Rev. 03/01, or earlier)**  
**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.